

**ORIGINAL**

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN MARIANA ISLANDS

1 UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 03-00004  
2 )  
3 Plaintiff, ) Garapan, Saipan  
4 ) Monday, March 31, 2003  
5 vs. )  
6 JASON RULUKED, ) REPORTER'S TRANSCRIPT OF  
7 ) DEFENDANT'S CHANGE OF PLEA  
8 Defendant. )

FILED  
Clerk  
District Court

BEFORE THE HONORABLE ALEX R. MUNSON  
CHIEF JUDGE, UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

AUG - 2 2005

For The Northern Mariana Islands  
By \_\_\_\_\_

(Deputy Clerk)

**APPEARANCES:**

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14 MARIANAS DISTRICT  
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18 For Defendants: Loren Sutton  
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22 Present : Defendant Jason Ruluked  
23

24 *SANAE N. SHMULL*

25 Official Court Reporter  
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1                   **GARAPAN, SAIPAN, MONDAY, MARCH 31, 2003 - 9:30 A.M.**

2                   THE CLERK: Please rise. This court is again in session;  
3 the Honorable Alex R. Munson, Chief Judge presiding.

4                   THE COURT: Good morning.

5                   MR. SUTTON: Good morning, Your Honor.

6                   THE COURT: Please be seated.

7                   THE CLERK: If Your Honor please, this is Criminal Case 03-  
8 00004, *United States of America v. Jason Ruluked*, coming up for a  
9 hearing on a Change of Plea.  
10

11                   Will counsel please state your appearance?

12                   MR. SMITH: Good morning, Your Honor. Patrick Smith for the  
13 United States. With me is Task Force Officer Lieutenant Ed Manalili.  
14

15                   MR. SUTTON: Good morning, Your Honor. Loren Sutton for  
16 defendant Jason Ruluked. Jason is present at counsel table with me.  
17

18                   THE COURT: Thank you. Mr. Sutton, the purpose of this  
19 hearing this morning is for the defendant to enter a change of plea  
20 pursuant to a written plea agreement; is that correct?

21                   MR. SUTTON: That's correct, Your Honor.

22                   THE COURT: I'd ask the clerk to please administer the oath  
23 to the defendant.

24                   THE CLERK: Please rise and raise your right hand. Do you  
25 solemnly swear that the testimony you're about to give in this case

1 now before this court will be the truth, the whole truth, and nothing  
2 but the truth, so help you God?

3 THE DEFENDANT: Yes.

4 THE CLERK: Thank you.

5 THE COURT: Sir, you understand that you're -- well, first  
6 of all, would you state your name for the record?  
7

8 THE DEFENDANT: Jason Ruluked.

9 THE COURT: And, sir, you understand that you're now under  
10 oath, and if you answer any of my questions falsely, you could later  
11 be prosecuted for making a false statement or for perjury?  
12

13 THE DEFENDANT: Yes.

14 THE COURT: How old are you?

15 THE DEFENDANT: Twenty-one, going on 22.

16 THE COURT: And you're a citizen of what country?

17 THE DEFENDANT: Saipan.  
18

19 THE COURT: U.S. citizen?

20 THE DEFENDANT: U.S. citizen.

21 THE COURT: Since your last appearance in court, have you  
22 seen a doctor for any medical problems or illnesses or injuries?

23 THE DEFENDANT: Oh, yeah, I have.

24 THE COURT: And were you prescribed any medication?

25 THE DEFENDANT: No.

1 THE COURT: In the last 24 hours, have you consumed any  
2 alcoholic beverage, any prescription drug, or any controlled  
3 substance?

4 THE DEFENDANT: Only prescription drugs.

5 THE COURT: And what kind of prescription drugs?  
6

7 THE DEFENDANT: Antibiotic for my tooth.

8 THE COURT: And when did you take that?

9 THE DEFENDANT: Just this morning.

10 THE COURT: And does that affect your ability to understand  
11 your surroundings?  
12

13 THE DEFENDANT: No.

14 THE COURT: Your mind's clear?

15 THE DEFENDANT: Yes.

16 THE COURT: You understand what's going on here?  
17

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Mr. Ruloked, have you received a  
20 copy of the indictment, that is, a written charges filed against you  
21 in this case that charged you with obstruction of justice and making  
22 false statements?

23 THE DEFENDANT: Yeah.

24 THE COURT: Have you discussed those charges and the case in  
25 general with your lawyer Mr. Sutton?

1 THE DEFENDANT: Yes.

2 THE COURT: Are you fully satisfied with the counsel,  
3 representation, and advice given to you in this case by Mr. Sutton as  
4 your attorney?

5 THE DEFENDANT: Yes.

6 THE COURT: Now I have a copy of a plea agreement -- well, I  
7 have the plea agreement and it's seven pages. On page 7, there  
8 appears to be your signature. Is that your signature?

9 THE DEFENDANT: Yes.

10 THE COURT: Before you signed this, did you read it?

11 THE DEFENDANT: Yes.

12 THE COURT: And before you signed this, did you discuss  
13 every aspect of it with your lawyer Mr. Sutton?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you think there's any mistakes in it?

16 THE DEFENDANT: No.

17 THE COURT: You think anything was left out of it that you  
18 thought was going to be in there?

19 THE DEFENDANT: No.

20 THE COURT: Do you understand all of the terms of the plea  
21 agreement that you have with the government?

22 THE DEFENDANT: Yes.

1 THE COURT: Do you have any questions about it?

2 THE DEFENDANT: No.

3 THE COURT: Has anyone made any other or different promise  
4 or assurance to you of any kind in an effort to induce you to enter a  
5 plea of guilty in this case other than what's in this plea agreement?  
6

7 THE DEFENDANT: No.

8 THE COURT: Do you have the plea agreement there in front of  
9 you?

10 THE DEFENDANT: Yes.

11 THE COURT: You see on that very first line? It says,  
12 "Pursuant to Rule 11(c)(1)(B), the United States and" you "entered  
13 into the following agreement." Was it explained to you that that rule  
14 11(c)(1)(B) means that the terms of the plea agreement are merely  
15 recommendations to the court, and that I can reject the  
16 recommendations without permitting you to withdraw your plea of  
17 guilty and impose a sentence that is more severe than you may  
18 anticipate?  
19  
20

21 THE DEFENDANT: What's that? (defendant conversing with his  
22 attorney.) Yes.

23 THE COURT: You've discussed that with your lawyer.

24 THE DEFENDANT: Yes.

25 THE COURT: Do you have any questions about it?

1 THE DEFENDANT: No.

2 THE COURT: Has anyone attempted in any way to force you to  
3 plead guilty in this case?

4 THE DEFENDANT: No.

5 THE COURT: Are you pleading guilty of your own free will  
6 because you are guilty of these two charges?

7 THE DEFENDANT: Yes.

8 THE COURT: You understand that the charges to which you are  
9 entering a plea of guilty are felony charges; and a "felony" is  
10 defined as a crime that is punishable by more than one-year  
11 imprisonment?  
12

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that if the court accepts your  
15 plea, you will be adjudged guilty of those offenses, and that such  
16 adjudication may deprive you of valuable civil rights in the future,  
17 such as the right to vote, the right to hold public office, the right  
18 to serve on a jury, the right to possess any kind of a firearm, and  
19 the right to possibly be eligible for federal grants, loans, and  
20 aids?  
21

22 THE DEFENDANT: Yes.

23 THE COURT: You've discussed all of that with your lawyer?

24 THE DEFENDANT: Yes.  
25

1 THE COURT: Do you have any questions?

2 THE DEFENDANT: No.

3 THE COURT: Now according to this plea agreement in the  
4 first page, in paragraph 1, it says that you agree to plead guilty to  
5 counts 1 and 2 of the indictment. And Count 1 of the indictment  
6 charges you with obstruction of justice. And over on page 2, it  
7 explains Count 2, charging you with making false statements. Is that  
8 your understanding of the deal that you're going to plead guilty to  
9 these two charges?  
10

11 THE DEFENDANT: Yes.

12 THE COURT: You've discussed that with your lawyer?

13 THE DEFENDANT: Yes.

14 THE COURT: Got any questions about that?

15 THE DEFENDANT: No.

16 THE COURT: Do you understand that for Count 1, the  
17 obstruction of justice charge, carries a maximum sentence of five  
18 years imprisonment, a maximum fine of \$250,000, a maximum term of  
19 supervised release of three years, a \$100 special assessment fee? Do  
20 you understand those possible punishments?  
21

22 THE DEFENDANT: Yes.

23 THE COURT: Do you also understand that if the court found  
24 it appropriate, the court could require you to make restitution to  
25



1 any victim or to give up any property that can be traced to this  
2 crime?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you also understand that if you're sent to  
5 prison and released from imprisonment and put on supervised release,  
6 that if you break any of the terms of supervised release, you could  
7 go back to prison for the full length of time, that is three years,  
8 of the supervised release?  
9

10 THE DEFENDANT: Yes.

11 THE COURT: That means that even if you're out on supervised  
12 release for two-and-a-half years, and then broke one of the terms,  
13 then you could be sent back for three years, not six months. Do you  
14 understand that?  
15

16 THE DEFENDANT: Yes.

17 THE COURT: For the second charge, that is, making false  
18 statements, that charge carries a maximum sentence of five years  
19 imprisonment, a maximum fine of \$250,000, a maximum term of a three-  
20 year supervised release, and a \$100 special assessment fee that has  
21 to be paid at the time of sentencing. Do you understand those are  
22 possible maximum penalties for this crime?  
23

24 THE DEFENDANT: Yes.

25 THE COURT: Do you also understand that if you broke any of

1 the terms of supervised release, that you could be sent back to  
2 imprisonment for the whole term of supervised release?

3 THE DEFENDANT: Yes.

4 THE COURT: You understand that the total maximum sentence  
5 of incarceration on both counts is 10 years imprisonment?  
6

7 THE DEFENDANT: Yes.

8 THE COURT: Now under the Sentencing Reform Act of 1984, the  
9 United States Sentencing Commission has issued guidelines for judges  
10 to follow in determining sentences in a criminal case. Have you and  
11 Mr. Sutton talked about the Sentencing Guidelines and how they might  
12 apply to your case?  
13

14 THE DEFENDANT: Yeah.

15 THE COURT: Do you understand that the court will not be  
16 able to determine the guideline sentence for your case until after  
17 the presentence report has been completed, and you and the government  
18 have had an opportunity to challenge the reported facts in the  
19 application of guidelines recommended by the Probation Officer?  
20

21 THE DEFENDANT: Yes.

22 THE COURT: You understand that the sentence imposed may be  
23 different from any estimate your attorney may have given you?  
24

25 THE DEFENDANT: Yes.

THE COURT: Do you also understand that after your guideline

1 range has been determined, the court has the authority in some  
2 circumstances to depart from the guidelines and impose a sentence  
3 that is more severe or less severe than the sentence called for by  
4 the guidelines?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand that in the federal penal  
7 system, there is no parole, and if you're sent to prison, you will  
8 not be released on parole?  
9

10 THE DEFENDANT: Yes.

11 THE COURT: Did you and Mr. Sutton also talk about the  
12 sentencing guidelines in your criminal history category? That means  
13 that if you've been arrested a number of times, that your sentence  
14 can go up higher?  
15

16 THE DEFENDANT: Yes.

17 THE COURT: And you understand that this plea agreement does  
18 not take into account your criminal history category, and if your  
19 criminal history category is above one, what is stated in this plea  
20 agreement might be altered by that criminal history category?  
21

22 THE DEFENDANT: Yes.

23 THE COURT: Do you have any questions about that?

24 THE DEFENDANT: No.

25 THE COURT: On page 6 of this plea agreement in paragraph

1 11, I want to talk to you about that a little bit. Do you understand  
2 that you have a constitutional right to appeal any conviction in this  
3 case, and that by entering into this plea agreement, you're giving up  
4 that right?

5 THE DEFENDANT: Yes.

6  
7 THE COURT: It says here that you agree that you will  
8 neither appeal or otherwise litigate under Title 28, United States  
9 Code, Section 2255, or Section 2241, any sentence based upon the  
10 offense level -- oh, I'm sorry. First, that you will not appeal any  
11 conviction in this case. And then, it says that you will not appeal  
12 any sentence based upon an offense level of 20 or below. Do you  
13 understand that you have a right to file an appeal on both of those  
14 things, the conviction and the sentence, and that by entering into  
15 this plea agreement, you're giving up that right?

16  
17 THE DEFENDANT: Yes.

18  
19 THE COURT: You've discussed that fully with Mr. Sutton?

20 THE DEFENDANT: Yes.

21 THE COURT: Have any questions about it?

22 THE DEFENDANT: No.

23 THE COURT: It goes on to say that this provision, that is,  
24 the waiving of your right to appeal any conviction and sentencing is  
25 binding on the parties even if the court employs a guideline analysis

1 different from that stipulated to within this agreement. Do you  
2 understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Any questions about that?

5 THE DEFENDANT: No.

6  
7 THE COURT: Now you have some very important constitutional  
8 rights that this plea agreement says that you've talked about with  
9 Mr. Sutton. But I need to get on the record that you understand  
10 these rights, that you are knowingly, intelligently, and voluntarily  
11 agreeing to waive these rights, and give you an opportunity to ask me  
12 any questions about these rights if you don't understand them. You  
13 understand that you have a right to plead not guilty to any offense  
14 charged against you and to persist in that plea; that you would then  
15 have the right to a trial by a jury; that at trial, you would be  
16 presumed to be innocent, and the government would have to prove your  
17 guilt beyond a reasonable doubt; that you would have the right to the  
18 assistance of counsel for your defense, the right to see and hear all  
19 of the witnesses and have them cross-examined in your defense, the  
20 right on your own part to decline to testify unless you voluntarily  
21 elected to do so in your own defense, and the right to the issuance  
22 of subpoenas or compulsory process to compel the attendance of  
23 witnesses to testify in your defense. Have you talked about all of  
24  
25

1 those constitutional rights with Mr. Sutton?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand them?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you have any questions about them?

6 THE DEFENDANT: No.

7  
8 THE COURT: Do you understand that if you decided not to  
9 testify or put on any evidence, those facts could not be used against  
10 you?

11 THE DEFENDANT: Yes.

12 THE COURT: Talked to Mr. Sutton about that?

13 THE DEFENDANT: Yeah.

14 THE COURT: Any questions about that?

15 THE DEFENDANT: No.

16  
17 THE COURT: You further understand that by entering a plea  
18 of guilty, if that plea is accepted by the court, there will be no  
19 trial, and you will have waived or given up your right for trial, as  
20 well as those other rights associated with the trial as I just  
21 described them to you?

22 THE DEFENDANT: Yes.

23  
24 THE COURT: Is your willingness to plead guilty the result  
25 of discussions that you or your attorney have had with the attorney

1 for the government?

2 THE DEFENDANT: (No audible response.)

3 MR. SUTTON: Sorry. Could you repeat that, Your Honor?

4 THE COURT: Yeah. Is your willingness to plead guilty the  
5 result of discussions that you or your attorney have had with the  
6 attorney for the government?  
7

8 THE DEFENDANT: Yes.

9 THE COURT: If you'd look on page 3 of this plea  
10 agreement -- first of all, let me tell you that all crimes have what  
11 lawyers call elements. You can think of them as parts. And in order  
12 for you to be found guilty of any crime, the government has to prove  
13 beyond a reasonable doubt that every part of the crime has been  
14 satisfied to all 12 people on the jury. If one person on the jury  
15 wasn't convinced beyond a reasonable doubt, that one part of the  
16 crime was not satisfied, you could not be found guilty. Do you  
17 understand that?  
18  
19

20 THE DEFENDANT: Yes.

21 THE COURT: As to Count 1, the obstruction of justice charge  
22 in paragraph 5 on page 3, in order for you to be found guilty of that  
23 count, if you'd look under A, B, and C, the government would have to  
24 first prove that there was a proceeding pending before a federal  
25 court or a grand jury. And second, that you knew of the pending

1 judicial proceeding and influenced, obstructed, impeded, or  
2 endeavored to influence, obstruct, or impede the due administration  
3 of justice in that proceeding. And three, that your acts were done  
4 corruptly, that is, that you acted knowingly and dishonestly with the  
5 specific intent to subvert or undermine the due administration of  
6 justice. Do you understand that if one person out of 12 wasn't  
7 convinced beyond a reasonable doubt of all of those elements, you  
8 could not be found guilty of that charge?  
9

10 THE DEFENDANT: Yes.

11 THE COURT: Have you discussed that with Mr. Sutton?  
12

13 THE DEFENDANT: Yes.

14 THE COURT: Have any questions about it?  
15

16 THE DEFENDANT: No.

17 THE COURT: On the second charge that begins in paragraph 6  
18 on page 3 of this plea agreement that charges you with making false  
19 statements, the government would have to prove beyond a reasonable  
20 doubt to all 12 people of the jury, first, that you made a false  
21 statement in the manner within the jurisdiction of a government  
22 agency. And then you turn the page. Second, that you acted  
23 willfully, that is, deliberately and with knowledge that the  
24 statement was untrue. And, third, that the statement was material to  
25 the government agencies' activities or decisions. You discussed that



1 with Mr. Sutton?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you have any questions about that?

4 THE DEFENDANT: No.

5 THE COURT: Tell me what it is that you did, in your own  
6 words, that you want to enter a plea of guilty to Count 1 in this  
7 indictment charging you with obstruction of justice.

8 THE DEFENDANT: I lied about the City Trust Bank that I'm --

9 THE REPORTER: What? Say that again.

10 THE DEFENDANT: I lied about having participated in the City  
11 Trust Bank --  
12

13 THE COURT: Well, were you --

14 THE DEFENDANT: -- robbery.

15 THE COURT: I'm sorry. Go ahead.

16 THE DEFENDANT: Robbery of the City Trust Bank. I lied that  
17 I was involved in the City Trust Bank robbery.  
18

19 THE COURT: Well, were you a witness in a grand jury?

20 THE DEFENDANT: No.

21 THE COURT: Was there a proceeding pending before federal  
22 court?  
23

24 THE DEFENDANT: Yes.

25 THE COURT: And did you knew, know of the pending judicial

1 proceeding?

2 THE DEFENDANT: Yes.

3 THE COURT: And did you influence or obstruct or impede or  
4 endeavor to influence or obstruct or impede the due administration of  
5 justice in that proceeding?  
6

7 THE DEFENDANT: Yes.

8 THE COURT: And did you act corruptly, that is, with the --  
9 that is, did you act knowingly and dishonestly?

10 THE DEFENDANT: Yes.

11 THE COURT: And did you intend to subvert or undermine the  
12 due administration of justice in that manner?  
13

14 THE DEFENDANT: Yes.

15 THE COURT: And as to Count 2, tell me in your own words  
16 what it is that you did that you want to enter a plea of guilty to  
17 false statements as charged in Count 2 as a violation of Title 18,  
18 United States Code, Section 101.  
19

20 THE DEFENDANT: I falsely confessed of, to be involved in  
21 the Bank robbery and I had nothing to do with it.

22 THE COURT: So you made a false statement in a manner within  
23 the jurisdiction of the government's agency?  
24

25 THE DEFENDANT: Yes.

THE COURT: And did you act willfully, that is, deliberately

1 with the knowledge that the statement was not true?

2 THE DEFENDANT: Yes.

3 THE COURT: And was the statement material to the government  
4 agency's activities or decisions?

5 THE DEFENDANT: Yes.

6 THE COURT: Mr. Smith, if this matter proceeded to trial,  
7 what would the government be prepared to prove?

8 MR. SMITH: Judge, before I respond to that, the government  
9 would request that you put a few additional questions in support of  
10 the factual basis for the plea. Namely, as alleged in Count 2, that  
11 the defendant made false statements about his participation in the  
12 April 12, 2002 armed robbery. I think he's alluded to that. Would  
13 the court inquire if that he did it for the purpose of concealing the  
14 participation of Norman Kapileo in such armed robbery?

15 THE COURT: Mr. Ruluked, did you make these false statements  
16 to conceal the participation of Mr. Kapileo?

17 THE DEFENDANT: Yes.

18 THE COURT: In the, in the robbery?

19 THE DEFENDANT: Yes.

20 MR. SMITH: And further on the materiality of the statements  
21 as they relate to the government's investigation, Your Honor, did he  
22 do that because Norman Kapileo had requested him to do that? In  
23  
24  
25

1 other words, falsely confess to the robbery and conceal Norman  
2 Kapileo's participation.

3 THE COURT: Well, did you falsely confess because Mr.  
4 Kapileo asked you to lie?

5 THE DEFENDANT: Yes.

6 THE COURT: What did he tell you to do?

7 THE DEFENDANT: Cover for him of the City Trust Bank  
8 robbery.

9 THE COURT: Okay. Anything further, Mr. Smith?

10 MR. SMITH: No, Your Honor. Oh, and in response to the  
11 court's inquiry about what we would prove, Your Honor, we would prove  
12 that this defendant on or about November 26, 2002 made a false  
13 statement to a DPS detective concerning his own participation in the  
14 City Trust Bank robbery. In essence, he stated that he had done the  
15 robbery together with Linol Borja; that thereafter, after a failed  
16 attempt to cooperate with the government's investigation, this  
17 defendant was arrested on a complaint. The government charged him in  
18 the complaint with participating in the robbery. The defendant then  
19 appeared at a meeting with the federal law enforcement officers and  
20 representatives of the U.S. Attorney's Office on or about December  
21 27, 2002, where he essentially reiterated the false story concerning  
22 his own participation in the City Trust Bank robbery, and reiterated  
23  
24  
25

1 his false statements of concealment regarding the participation of  
2 Norman Kapileo.

3 On or about January 10th, Your Honor, the government proved  
4 that the defendant then appeared at a meeting at the U.S. Attorney's  
5 Office where he explained that he had covered up for Norman Kapileo  
6 at Norman Kapileo's request, and that he told those lies to help  
7 Norman Kapileo out, but that in fact he had nothing to do with the  
8 robbery. And the basis for the purported facts in his statement were  
9 statements that had been relayed to him by Norman Kapileo at a  
10 meeting some months before.  
11

12 We'd also offer the testimony -- in addition to defendant's  
13 admissions that his previous statements were false, we'd offer the  
14 testimony at this defendant's trial of Linol Borja who would state  
15 that it was he, Linol Borja, together with Norman Kapileo who  
16 committed the armed robbery, and that this defendant, Jason Ruluked,  
17 had nothing to do with it.  
18

19 THE COURT: Thank you, Mr. Smith. Mr. Ruluked, you've told  
20 me that you've discussed these charges with your lawyer Mr. Sutton,  
21 that you understand what you're charged with, and that you've  
22 discussed the case in general with him. You and I have gone through  
23 the plea agreement. You've told me that you've discussed every term  
24 of the plea agreement with your lawyer, that you understand what all  
25

1 of the terms are of the plea agreement. I've told you what your  
2 constitutional rights are. You've told me you've discussed those  
3 with your lawyer, and that you understand all your constitutional  
4 rights surrounding a trial, the government's burden of having to  
5 prove every element of the crime beyond a reasonable doubt to all 12  
6 members of the jury, that you can be represented by a lawyer, that  
7 you don't have to testify if you don't want to and that can't be held  
8 against you.  
9

10 You've just heard what the Assistant United States Attorney  
11 has told the court that he believes the government would be able to  
12 prove if this matter proceeded to trial.  
13

14 Now based upon all of that information, I ask you how you  
15 plead to the charge in Count 1 of the indictment filed in this court  
16 on February 5, 2003 that charges you with obstruction of justice in  
17 violation of Title 18, United States Code, Section 1503? Do you  
18 plead not guilty or guilty?  
19

20 THE DEFENDANT: Guilty.

21 THE COURT: And as to Count 2 charging you with -- how do  
22 you plead to the charge of false statements in violation of Title 18,  
23 United States Code, Section 1001?  
24

25 THE DEFENDANT: Guilty.

THE COURT: It is the finding of the court, in the case of

1 the *United States of America v. Jason Ruluked*, that the defendant is  
2 fully competent and capable of entering an informed plea, that the  
3 defendant is aware of the nature of the charges and the consequences  
4 of the pleas, and that each plea of guilty is a knowing and voluntary  
5 pleas supported by an independent basis and fact containing each of  
6 the essential elements of each offense. The pleas and the plea  
7 agreement are therefore accepted, and the defendant is now adjudged  
8 guilty of those two offenses.  
9

10 I'll set this matter for sentencing on Tuesday, July 8,  
11 2003, at 9:00 a.m. in this courtroom, and order that the presentence  
12 investigative report is due on or before Tuesday, June 3, 2003.  
13

14 Mr. Ruluked, before a sentencing may occur in this case,  
15 the Probation Department has to conduct an investigation. You are  
16 required to cooperate by giving information to the Probation Officer.  
17 At any time you meet with the Probation Officer, you may have your  
18 lawyer present with you. Do you understand that?  
19

20 THE DEFENDANT: Yes.

21 THE COURT: After the Probation Officer has completed the  
22 investigation, she will type up a written report. She'll give a copy  
23 to you and to your lawyer. If you go through that and think that  
24 there are mistakes in it, you may meet with the Probation Officer;  
25 and if you can convince her that there are errors in the report or

1 misstated facts, she'll amend the report.

2 THE DEFENDANT: Yes.

3 THE COURT: If you cannot convince her to amend the report,  
4 both your lawyer and you at the time of the hearing will be able to  
5 address the court, and the court will make a determination whether to  
6 accept or reject the facts reported by the Probation Officer. Do you  
7 understand that?  
8

9 THE DEFENDANT: Yes.

10 THE COURT: Also, at the sentencing hearing, your lawyer  
11 will be able to address the court on your behalf. And you, too, will  
12 be able to address the court to make your allocution or tell the  
13 judge anything that you would think would be important for the judge  
14 to know before the judge imposes a sentence. And if you care to make  
15 any statements, you can do so not under oath. Do you understand  
16 that?  
17

18 THE DEFENDANT: Yes.

19 THE COURT: Is there anything further to come before the  
20 court from the government regarding this matter this morning?  
21

22 MR. SMITH: Yeah, a few things, Your Honor. First, we move  
23 to unseal the case.

24 THE COURT: Motion's granted.

25 MR. SMITH: Second, Your Honor, Lt. Manalili is now going to



1 serve this defendant with a trial subpoena for Monday's trial in *U.S.*  
2 *v. Kapileo*. There's no agreement between the parties that this  
3 defendant will testify. This is not a cooperation agreement. He  
4 pled guilty pursuant to the agreement. However, the government does  
5 intend to call him as a witness, and if necessary to seek to compel  
6 his testimony. I don't think at this point that the defendant has  
7 any residual Fifth Amendment Right not to testify. So I'll let the  
8 defendant and his counsel discuss among themselves whether they would  
9 seek to assert any Fifth Amendment privilege, which I don't think  
10 exists, or otherwise seek to resist the lawful subpoena of the court.  
11 And we'll take it to the next step if necessary.

12 THE COURT: Anything further from the defense, Mr. Sutton?

13 MR. SUTTON: No, Your Honor.

14 THE COURT: Pursuant to the terms of the plea agreement, I  
15 will remand the defendant back to the custody of the United States  
16 Marshal until further order of the court. And we will stand in  
17 adjournment.  
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20  
21 (Court recessed at 10:06 a.m., Monday, March 31, 2003.)  
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23  
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1  
2 COMMONWEALTH OF THE )  
3 NORTHERN MARIANA ISLANDS ) ss.  
4 SAIPAN, MP )  
5 \_\_\_\_\_ )  
6  
7

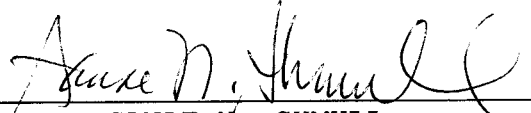
8 I, SANAE N. SHMULL, Official Court Reporter for the  
9 United States District Court for the Northern Mariana Islands, do  
10 hereby certify:

11 That the foregoing transcript of proceeding in Criminal  
12 Case No. 03-00004, *United States of America v. Jason Ruluked*,  
13 consisting 25 pages, was taken down by me stenographically with a  
14 back-up tape recording device at the time and place indicated herein.  
15

16 That the foregoing transcript is a true and correct  
17 record of the proceeding transcribed by me to the best of my ability.  
18

19 I further certify that I am not interested in the events  
20 of the action.

21 IN WITNESS WHEREOF, I have subscribed my name and signature  
22 this 2nd day of August 2005.  
23  
24  
25

  
\_\_\_\_\_  
SANAE N. SHMULL  
Official Court Reporter